



NICHOLS FARMS, INC.
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RECEIVED
DEC 08 2010
JACKSON W.P.C.

This is in response to the violations you cited on November 8, 2010. You asked us to respond to the violations by November 30, 2010. Here are our responses and corrective actions taken.

1. A notice of intent had not been submitted for continuation of permit coverage prior to the expiration of the general permit. We were in the process of completing our NOI and NMP. According to the CAFO General SOP page 6 under 2.1.1. Existing site, the application is not due until May 30, 2011. We also received an email that the deadline for existing class II CAFOs was November 1, 2011. (email is enclosed) It should be completed in the winter of 2011. It will absolutely be completed before the deadline.
2. Weekly storm water inspections are not being conducted. Storm water inspections are being made almost daily but they were not being recorded. With the forms TDEC provided, weekly inspections will be recorded on these forms.
3. Mortalities management practices do not comply with the site specific Nutrient Management Plan on file and adequate records are not being kept. The Nutrient Management Plan addresses only how mortalities are to be disposed. Mortalities are handled as prescribed by the plan. A copy of that page of the Plan is enclosed. Since Newsham Genetics leases some of our facilities, death losses will be documented in TDEC forms.
4. Annual manure nutrient analysis with 40 CFR & 413 is not being conducted. An analysis of manure will be sent to A & L Labs in January 2011.
5. Your 2009 annual report has not been received by the division. That report was sent March 27, 2010 with an explanation of its tardiness. That report with the explanation letter is enclosed.
6. Weekly inspection records of the manure and process waste water impoundment are not being conducted. Again inspections are being made almost daily but not being recorded. A marking pole with graduations has been installed to exactly record water levels. This will be done on TDEC forms.

We at Nichols Farms wholeheartedly wish to comply with any and all environmental regulations. Hopefully, these adjustments we have or will implement will be satisfactory.